

FILED on JUN 12, 2001 COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 4, 2001

**D035413        People v. Chavez**

The appeal is dismissed as moot in light of the disposition in In re Juan Chavez (D036173).

**D036173        In re Chavez on Habeas Corpus**

Accordingly, and in the interests of justice, let a writ of habeas corpus issue directing the Superior Court to (1) vacate the sentence of February 16, 2000, (2) allow the District Attorney to amend the information, nunc pro tunc, and (3) conduct further sentencing proceedings consistent with this opinion. The trial court shall file an amended abstract of judgment with the Department of Corrections.

Haller, J.; We Concur: Benke, Acting P. J., McIntyre, J.

**D037791        Salzberg v. City of San Diego**

Appellant's motion to vacate dismissal and reinstate the appeal is granted.

**D035851        People v. Roston**

The petition for rehearing is granted.

**D036607        In re James H. et al., Juveniles**

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

**D037272        Barnett et al. v. Fireman's Fund Insurance Company**

The judgment is reversed. Appellant's are entitled to costs on appeal. McDonald, J.; We Concur: Kremer, P.J., Huffman, J.

**D037222        In re H.T., a Juvenile**

Judgment affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D037443        In re Jason W., a Juvenile**

The appeal is dismissed. Huffman, J.; We Concur: Kremer, P.J., McIntyre, J.

**D037753        Turner v. Workers' Compensation Appeals Board/County of San Diego**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 5, 2001

**D037464        In re Cody H., a Juvenile**

The appeal is dismissed. Huffman, J.; We Concur: Kremer, P.J., McIntyre, J.

**D035424        People v. Shipley**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., McDonald, J.

**D035234        People v. Delgado**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

**D037981        Holiday v. Superior Court of San Diego County/People**

The petition is denied.

**D037982        In re Holiday on Habeas Corpus**

The petition is denied.

**D035502        People v. Islas**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D036622        Menvielle et al. v. Los Alamos Land Company, L.P., et al.**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed.

**D034733        People v. Clements**

**D036973        In re Clements on Habeas Corpus**

(Consolidated) The request for rehearing is denied.

**D034469        People v. Assad**

The judgment is affirmed. Huffman, J.; We Concur: Benke, J., McIntyre, J.

**D034551        People v. Walker**

By order filed May 22, 2001, the court ordered the recall of the remittitur. On the court's own motion, rehearing is granted. This court's opinion filed February 20, 2001, is vacated and the opinion is refiled this date. The time for filing any petition for rehearing per California Rules of Court, rule 27 begins this date.

**D034551        People v. Walker**

Judgment affirmed. Benke, J.; We Concur: Kremer, P.J., Nares, J.

**D035564        Harris v. Beresh**

The custody and visitation order of January 31, 2000 is reversed to the extent it requires Harris to participate in counseling, and the matter is remanded to permit the trial court to make appropriate findings consistent with this opinion. The order is affirmed in all other respects. Costs on appeal are awarded to Harris.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 5, 2001 (Continued)

**D034787      Argonaut Great Central Insurance Company v. St. Mar Enterprises, Inc., et al**  
Reversed in part and affirmed in part. The portion of the judgment in favor of St. Mar on Argonaut's complaint and Zurich's complaint-in-intervention is reversed, and the matters are remanded for a new trial. The portion of the judgment in favor of Cole on St. Mar/Clarendon's cross-complaint is affirmed. Argonaut and Zurich shall recover their costs on appeal from St. Mar and Clarendon. Nares, J.;  
We Concur: Kremer, P.J., Huffman, J.

**D037278      Boles v. Streit et al.**  
The judgment in favor of McGinty is reversed and the matter is remanded for a new trial. Boles is to recover her costs of appeal. McIntyre, J.; We Concur: Benke, Acting P.J., Haller, J.

**D037518      In re Paula C., a Juvenile**  
The appeal is dismissed. Huffman, J.; We Concur: Kremer, P.J., McIntyre, J.

**D037618      In re Stacy P. et al., Juveniles**  
The appeal is dismissed. Huffman, J.; We Concur: Kremer, P.J., McIntyre, J.

**D035145      People v. Burke**  
The petition for rehearing is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 6, 2001

**D033162      Vasquez et al. v. Guerrero**

The judgments are affirmed. Kremer, P.J.; We Concur: Huffman, J., McIntyre, J.

**D037103      In re Agrio on Habeas Corpus**

The petition is denied.

**D037785      Shapiro v. Superior Court of San Diego County/Casey Gwinn, City Attorney, City of San Diego**

The petition is denied.

**D036515      Morgan v. Adaptive Digital Systems, Inc., et al.**

The portions of the judgment dismissing the causes of action for breach of contract and breach of the covenant of good faith and fair dealing are reversed. The superior court is directed to overrule the demurrer to those causes of action after striking their allegations involving respondents' breach of a stock purchase agreement and events occurring after the constructive termination of appellant's employment on June 9/10, 1995. The remainder of the judgment is affirmed. Each side shall bear its own costs on appeal. Kremer, P.J.; We Concur: Benke, J., Huffman, J.

**D036086      Executive Auto Sales, Inc., et al. v. Grissom & Associates et al.**

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., McDonald, J.

**D037647      San Diego Unified School District v. Workers' Compensation Appeals Board/Norman A. Llanes**

The petition is denied.

**D037617      In re Hall on Habeas Corpus**

The petition is denied.

**D037512      In re Joseph G., a Juvenile**

The appeal is dismissed pursuant to rule 17(a).

**D037411      Logan v. Department of Real Estate**

The appeal is dismissed pursuant to rule 17(a).

**D034163      People v. Rios**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D033855      People v. Corona**

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Huffman, J.

**D038063      Estrada v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 7, 2001

**D037824      Fowler v. Del Prado Mobilehome Park et al./Tatum-Kaplan Financial Group**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

**D037770      Christina S. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.**

The attorney for petitioner Christina S. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D034610      People v. Summers**

**D035340      People v. Summers**

(consolidated) The orders setting victim restitution \$49,900 plus attorneys' fees and costs for Hunt and continuing jurisdiction to determine victim restitution for McClananhan are affirmed. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

**D035260      Csaszi v. Pfizer Inc., et al.**

The petition for rehearing is denied.

**D034197      Olszewski v. ScrippsHealth et al.**

The petition for rehearing is denied.

**D036751      In re Summers on Habeas Corpus**

The petition is denied.

**D035347      People v. Nychay**

The judgment (order revoking probation) is reversed, and the matter remanded for a new probation revocation hearing, to be conducted by a different judge. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

**D035437      People v. Travis**

The judgment (order of commitment) is affirmed. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

**D036873      In re Courtney S. et al., Juveniles**

**D037108      In re Courtney S. et al., Juveniles**

(Consolidated) The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 8, 2001

**D037961      People v. Barnes**

The appeal is dismissed since it is from a non-appealable judgment. (Code of Civil Procedure, section 904.1 subsection (a)(1)(B).)

**D035890      People v. Walker**

The petition for rehearing/modification requested by appellant is denied, as is the petition for rehearing filed by appellant.

**D034864      Ferrell v. County of San Diego**

The judgment is affirmed, except that the order denying the motion for judgment notwithstanding the verdict and the awards of \$189,078.33 in damages for inverse condemnation and prejudgment interest thereon are reversed. The matter is remanded with directions that the trial court: (1) issue a new order granting the motion for judgment notwithstanding the verdict; (2) award the appellant a total of \$1,890.74 in damages on his inverse condemnation claim; and (3) redetermine the amount of costs, fees and prejudgment interest awarded to the appellant. The parties shall bear their own costs and fees on appeal. McDonald, J.: We Concur; Kremer, P.J., Huffman, J.

**D035143      People v. Santa Maria**

The sentence is vacated and the matter is remanded for the trial court to order a supplemental probation report and hold a new sentencing hearing, at which it shall consider the supplemental report. The sentencing hearing shall be held by a judge other than the sentencing judge in this case. In all other respects the judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D037302      People v. Perez**

The judgment is reversed. McDonald, J.; We Concur: Kremer, P.J., Nares, J.

**D036580      Romeo et al. v. Superior Court of San Diego County/Ryan N.**

Let a writ of mandate issue directing the superior court to vacate its order denying the Romeros' motion for summary judgment, enter a new order granting the motion, and enter a judgment of dismissal in their favor. The temporary stay imposed on October 31, 2000, will vacate upon issuance of the remittitur. Petitioners shall recover costs incurred in this writ proceedings. CERTIFIED FOR PUBLICATION. Nares, J.; We Concur: Huffman, Acting P.J., McDonald, J.

**D036994      Cutler v. Coast Community College District**

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, J., McIntyre, J.

**D038023      Jaffe v. The Superior Court of San Diego County/Wolfe et al.**

The petition is denied.